

CITY OF GEARHART  
Regular Meeting of the City Council  
Wednesday, February 7, 2024  
7:00 pm On-site and Virtual/Telephonic

A regular meeting of the Gearhart City Council was held Wednesday, February 7, 2024. Council members, City staff, and the public were able to attend on-site, virtually, or by dialing in on a telephone.

Present were Mayor Kerry Smith, Councilor Preston Devereaux, Councilor Reita Fackerell, Councilor Dana Gould, Councilor Sharon Kloepfer, City Administrator Chad Sweet, City Attorney Peter Watts, Fire Chief Josh Como, Police Chief Josh Gregory, City Planner Garrett Phillips, Executive Assistant Krysti Ficker, and City Treasurer Justine Hill. A quorum of the Council was present.

Mayor Smith called the regular meeting of the City Council to order at 7:00 pm.

There were no conflicts of interest declared by any member of the Council.

Approve Minutes.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Fackerell to approve the minutes of the January 3, 2024 public hearing and regular meeting of the City Council, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

There was no Planning Commission report due to no meeting in January.

Mayor's Report. Mayor Smith thanked whoever gave him the Amaryllis. He felt the Town Hall was well attended and anticipates the next one to be February 26 at 6:00 pm at the fire station. He went over potential agenda items (e.g., voting software; rules of the Town Hall).

Councilor's Reports. Mayor Smith opened discussion for each Council member's report.

- Councilor Devereaux has been visiting other fire stations down the coast and may have information to share at the Town Hall.
- Councilor Fackerell attended a Clatsop Regional Housing Taskforce meeting. She learned about a countywide buildable land inventory survey; the Clatsop County Housing Dashboard; and development using an urban reserve approach. She also met with Police Chief Gregory to discuss homeless activity on private property.
- Councilor Kloepfer had discussions with various citizens concerning the Gearhart elk situation. There are two attorneys that will be submitting a records request to the Oregon Department of Fish and Wildlife. She has also been having discussions regarding the airport rezoning and possible expansion;

as well as, the wetlands in Gearhart. She participated in the regular meeting of the Airport Committee, which had a consultation with City Planner Phillips. They discussed zone versus overlay and validity of airport upgrades over the next three years. She attended a CERT meeting and requested another BLOG reminder go out for the CERT survey. To date, it has received approximately 60 responses and she gave extra thanks to the residents of the Reserve for their high participation. Councilor Kloepper did some research on the potential of the fire department using Camp Rilea as a training facility. She talked with Chief Como and a staff member at Camp Rilea. She shared some information and was given feedback from Chief Como, which could be shared out to the public.

- Councilor Gould attended the LOC Small Cities meeting in Bay City. There was discussion on unfunded mandates, which set regulatory requirements on Cities with no additional funding. The City of Seaside had a productive worksession where DOGAMI presented, which she feels may be beneficial to Gearhart. Other items she mentioned were: potential training on powerline safety; cell phone usage concerns; recreational immunity; flooding in other areas; best practices with meetings and agendas; worksession schedules; hosting an LOC meeting collaboratively with Seaside; and continuing good relationships with Oregon State Parks on providing safe environments during holiday periods (e.g., 4th of July).

#### City Officer Reports.

- Chief of Police. Police Chief Gregory went over the department's January data report. He gave an update on Officer Mares DPSST training and mentioned that Sergeant Brown will also need to attend a supervisors' training in March and April. He would like to continue professional development for the police department and enjoyed the Town Hall.
- Fire Chief. Fire Chief Como went over the department's January data report, including a call breakdown, mutual aid, and comparisons to last year. He talked about a DPSST training, winter fire school, that several Gearhart firefighters will be attending.
- City Treasurer. Financial reports were submitted in the Councilors' packets. Treasurer Hill mentioned notable revenue and expenditure activity. She talked about a distribution change made in July to more accurately document public works vehicle fuel, which had previously only been charged to the water account. She also briefly talked about the internal budgeting process; two budget committee positions being open, upcoming PERS rate changes; and patience as the City works through the meter reader issue.
- City Attorney. Attorney Watts mentioned the Portland State University population forecast; went over protocol for presentation on the City's agenda; covered highlights in HB 2560 regarding public participation in meetings and provided options for reasonable restrictions; and an ongoing litigation that is being handled by the City's liability insurance team with a property owner regarding a sinkhole

that was created due to a vacated pipe. There was continued discussion about individuals deliberately being disruptive and/or using hate speech during public meetings.

- City Administrator. Administrator Sweet's report was sent to the Councilors in their packets. He gave an update on code enforcement; third-party meter reader issue; budget committee vacancies; elk collaborative meetings; exploration of noise reducing fencing at the tennis/pickleball courts; recreational immunity grant; upcoming events; and the City's proposed tree ordinance. Administrator Sweet also asked City Planner Phillips to give a brief update on the tree ordinance. City Planner Phillips explained that based on feedback from the Council, the proposed tree ordinance will be taken back to the Planning Commission. He said that information will be summarized and shared with the Commission with the goal of having them help define a path on how to move forward. He will propose three potential options for the Planning Commission, which are 1) to review more robust tree ordinances from other communities; 2) look into finding resources to provide some kind of tree inventory and characterization within the City of Gearhart; and, 3) get public involvement (e.g., online questionnaires). He felt that there were some fundamental differences with the desired outcome of the tree ordinance. He thought that giving the Planning Commission an opportunity to establish some common goals and do some joint fact finding would be beneficial. A more comprehensive option would be to do an Urban Forest Plan. Mayor Smith asked for copies of the more robust tree ordinances in other communities. Councilor Gould wanted to emphasize that the public should be made aware of anything that may impact their property rights. Councilor Kloepper did reiterate that the Planning Commission had a public meeting on the issue and that the intent was never a way to tell people that they could not remove a tree.

#### Visitors.

- Craig Johnston, Sunset Empire Transportation Direct Executive Director (SETD) gave a presentation on what is happening within their organization. His presentation covered executive director introductions; Board of Commissioners; Sunset Empire facts; who they are and what they do; ridership; the financial crisis and what happened; the way forward; and extended a thank you. Councilors asked several questions regarding budget, current service levels, route locations, impacts of reduced ridership on the finances, and internal controls.
- Administrator Sweet went over the staff report for the request from the Gearhart Volunteer Firefighter (GVFD) annual ball. Councilor Devereaux clarified that Fire Chief Como was not a member of the GVFD. Fire Chief Como stated that GVFD staff were unable to attend the Council meeting, so he was the representative. Fire Chief Como explained the purpose of the annual event and noted that there were no deviations from the standard plan from previous years.

- ON MOTION by Mayor Smith, 2nd by Councilor Fackerell to approve the request to hold the annual GVFD Firefighter ball, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Public Communications - Written & Oral. Mayor Smith read the oral public comment statement on the agenda. There was written correspondence submitted by: Bob Morey (Former Grade School Property); Alan Evans, Helping Hands (Donation); Jack and Suzanne Healy (Pickleball Noise Resolution); Jack Zimmerman (January Town Hall); South County Community Food Bank Board (Donation); and Mark Rolofson (Ceasefire Resolution for Israel-Hama War in Gaza).

- Mark Rolofson (PO Box 2361, Gearhart; 2160 Lewis and Clark Road) spoke requesting that the City Council approve a ceasefire resolution to end the violence in Gaza. He referenced genocide, violence in Gaza, and his desire for the City of Gearhart to join other cities in passing a ceasefire resolution.

Due to the length of the meeting, Mayor Smith approved a five minute recess at 8:00 pm. Meeting resumed at 8:06 pm.

Ordinances/Resolutions. None.

Old Business. Mayor Smith invited the public to comment on the old business items.

Gearhart Rural Fire Protection District (GRFPD) Revised Contract - Mayor Smith opened the discussion and requested a synopsis from Administrator Sweet. Administrator Sweet went over the staff report and explained that the draft submitted to the Council reflected the changes the GRFPD approved. He also indicated there were some issues with green colored text in the marked-up version, which was provided for Council to review changes.

- ON MOTION by Councilor Devereaux, 2nd by Councilor Gould to approve entering into the revised contract with the Gearhart Rural Fire Protection District, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

New Business. Mayor Smith invited the public to comment on the new business items.

Liquor License Application Review - Gearhart Market. Mayor Smith opened the discussion. Administrator Sweet went over the staff report. He talked about the requirements of the local OLCC application, which were established for process by Ordinance 936 and for fees by Resolution 975. City Administrator recommended that the City Council approve the Gearhart Market liquor license application with a simple motion because they met all the requirements. There was discussion on zoning; OLCC special occasion permissions; application information accessible by the public; and the requirement to accept empty beverage containers.

- ON MOTION by Councilor Devereaux, 2nd by Councilor Kloepfer to approve the Gearhart Market's liquor license application with a favorable recommendation, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

OLCC License Renewals. Mayor Smith opened the discussion. Administrator Sweet went over the staff report. He mentioned the renewal list and some recommended changes (e.g., name, removal). Councilor Gould had concerns about approving before the recommended changes were implemented by OLCC. Executive Assistant Ficker explained that the recommended changes are not relevant to the City Council having a favorable or unfavorable recommendation. Mayor Smith clarified that the recommended changes by the City were simply housekeeping issues, which can be followed-up on in the March meeting. Administrator Sweet said that City staff found no unfavorable marks on the OLCC renewal list.

Appoint Budget Officer. Mayor Smith opened the discussion. Administrator Sweet went over the staff report. He explained that a budget officer needs to be designated and that Treasurer Hill is being recommended.

- ON MOTION by Councilor Kloepfer, 2nd by Councilor Fackerell to approve Treasurer Hill as the Budget Officer, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Approve the Budget Calendar. Mayor Smith opened the discussion. Treasurer Hill explained that the Budget Calendar is not a mandatory requirement; however it is best practice and provides a timeline for the process. She explained two changes made to the calendar, which included publishing a legal notice online and moving the second meeting to a Tuesday.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to approve the Budget Calendar, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Gearhart Clean Up Day. Mayor Smith opened the discussion. Administrator Sweet went over the staff report. This event is at no cost to Gearhart residents and would be in honor of Earth Day 2024. There is a financial cost to the City, which is based on total tonnage and staff time. Councilor Devereaux requested clarification on monitoring hazardous waste materials and Administrator Sweet explained there are both City staff and Recology staff monitoring. Advertising for the event will be done through the City BLOG and on the website.

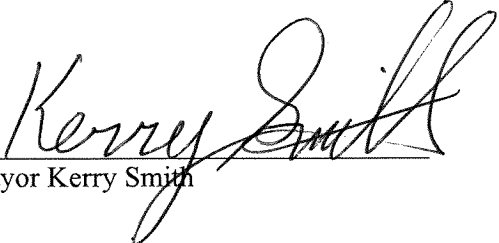
- ON MOTION by Councilor Gould, 2nd by Councilor Fackerell to approve the Gearhart Clean Up Day, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays.

Council Concerns.

- Councilor Gould liked the Town Hall meeting; however, she would like to recommend a worksession before to have time to adequately prepare and discuss items as a Council. There was consensus to have a meeting at least several days before Town Hall meetings to allow Councilors and staff to prepare.
- Councilor Kloepfer passed on concerns from a citizen regarding old business that has not been taken care of by the Council. She asked Councilors if they felt like there needed to be a category added to the agenda that would track unresolved issues. Mayor Smith felt this may be a worksession topic. She also would like to see some discussion and education about city-wide decision making precedent and whether these types of decisions should be made by one person or the Council. Attorney Watts thought this topic could be something added to the next agenda.
- Councilor Fackerell reported no concerns.
- Councilor Devereaux reported no concerns.
- Mayor Smith reported no concerns.

Mayor Smith requested adjournment.

- ON MOTION by Councilor Fackerell, 2nd by Councilor Gould to adjourn the meeting, MOTION was approved 5 yeas (Devereaux, Fackerell, Gould, Kloepfer, Smith) - 0 nays. Mayor Smith adjourned the regular Council meeting at 8:48 pm.

  
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Mayor Kerry Smith

  
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Chad Sweet, City Administrator